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7. [redacted] Clark McFadden, General Counsel, Senate Armed Services Committee, returned my earlier call and we discussed the impact and ramifications of the Hughes amendment concerning covert action which McFadden felt can be best opposed on judicial grounds. We agreed that it closely paralleled current practices, the Stennis and Nedzi bills, the President's 16 September press release statement, and the commitment by the Secretary of State and the Director to provide such information to the Foreign Affairs Committee. I pointed out that the term national defense in the amendment as a word of art may be too narrow, and either vital interests or national security would be better, but that the major problem really was the constitutional issue of encroachment upon Presidential authority. McFadden said that would be a tough one to argue in the current climate and I told him we would try to have some material up to him before the amendment reached the floor. He said he would appreciate that.

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8. [redacted] OGC, called to advise that [redacted] NSA, had sat in on the McClellan Subcommittee on the Nelson bill, S. 2820 (electronic surveillance) and that the Attorney General had opposed the legislation and its encroachment upon the constitutional authority of the President. Senators John L. McClellan (D., Ark.) and Roman L. Hruska (R., Neb.) were in attendance. Apparently, Senator McClellan was so strongly opposed to the legislation and supportive of the Attorney General's position, [redacted]

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9. [redacted] Called Guy McConnell, Professional Staff Member, Senate Appropriations Committee, and gave him a fill-in on the considerations relating to the Hughes amendment which he called to our attention late yesterday afternoon, and also reported the tentative conclusions Mr. Cary had reached with Ed Braswell, Chief Counsel, Senate Armed Services Committee. I told McConnell that we were dispatching to him the relevant information which I had been discussing with him, and he said he appreciated that.

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25X1 10. [REDACTED] Returned the call of John Ryan, in the office of Senator Roman L. Hruska (R., Neb.), and in his absence spoke to Eric Holton, who wanted to know our position on the Hughes amendment to S. 3394, the Foreign Assistance Authorization bill. The amendment would restrict Agency covert action. I told Holton that we had two major concerns with the amendment. First, we thought the term national defense was too restrictive and would prefer national security and second, we thought there might be constitutional problems in limiting the President's freedom of action in the foreign policy field. I told him that the constitutional argument was one the White House would more properly carry than us. He offered to get this information to Ryan who was then on the Senate floor.

25X1 11. [REDACTED] Met with Guy McConnell, Senate Appropriations Committee staff, and gave him a copy of the IC's undated paper, "National Foreign Intelligence Program Summary of Congressional Action."

25X1 12. [REDACTED] Accompanied [REDACTED] Chief, Southern Europe, OCI, to a meeting with Dorothy Fosdick and Richard Perle, Permanent Subcommittee on Investigations staff, Senate Government Operations Committee, on the current situation in Portugal and the developments that led to the change in government last Monday. We were joined for the last few minutes by Senator Henry M. Jackson (D., Wash.). It is noted that the Senator and his staff had considerable detail about the events in Portugal which were very accurate. The meeting was most cordial. There are no follow ups.

25X1 13. [REDACTED] Delivered to William J. Van Ness, Chief Counsel, Senate Committee on Interior and Insular Affairs, the requested information for Ben Cooper of the Committee staff on Western Europe, Japanese, and U.S. oil production.

25X1 14. [REDACTED] Accompanied [REDACTED] OER, to a meeting with Senator Henry M. Jackson (D., Wash.) and William J. Van Ness, Chief Counsel, Senate Committee on Interior and Insular Affairs, on OPEC pricing policies and related matters. Certain statistics requested by the Senator and Van Ness will be provided tomorrow. It is noted that Senator Jackson related some of his conversations with Chinese officials on oil matters. See [REDACTED] Memorandum for the Record.

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25X1 15. [REDACTED] Had lunch with Ed Braswell, Chief Counsel, Senate Armed Services Committee, and covered a number of items with him. I talked with him about the Educational Aid Fund's campaign for contributions conducted in past years and told him that, since contacts were made with a number of corporations on a recent review, the Director had decided to terminate such outside campaigns and finance the fund solely from internal contributions. Braswell had no difficulty with this.

25X1 I briefed Braswell on our dealings with the Senate Internal Security Subcommittee [REDACTED] and on the Subcommittee's desire to talk with some of our people about the relationship which exists between the Soviet intelligence service and the DGI of Cuba. I explained there was some merit in this from our standpoint in view of the past and expected publicity regarding the Agee case. Braswell foresaw no problem in our having somebody brief the Subcommittee staff.

I asked Braswell about General Wilson's promotion. He said it was scheduled to be taken up by the Committee on Monday and he anticipated no problems. I told Braswell that General Wilson was indeed Bill Colby's personal choice to replace General Graham and he could assure the Committee members of this.

Following lunch Braswell and I went to his office where we were joined by Clark McFadden, General Counsel for the Committee, and we discussed ✓ strategy for dealing with the Abourezk and Hughes amendments to the Foreign Aid bill.

11 I stayed with McFadden during the floor debate on these measures and provided him with information which our members could use in coping with these problems. Abourezk's amendments with respect to police contacts and covert activities were convincingly defeated. A very mild amendment submitted by Senator Hughes was further modified on the Senate floor in a conference 11 between Senators Hughes, Humphrey, and Stennis and was subsequently accepted on a voice vote. Later in the day the Foreign Aid bill was recommitted to the Foreign Relations Committee for further study and it is not anticipated that further action will be taken on it until after the election recess.

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25X1 [REDACTED]
25X1 16. [REDACTED] I met with Marian Czarnecki, Chief of Staff, House Foreign Affairs Committee, and covered a number of items with him. Czarnecki verified my understanding of the agreement which was reached last Wednesday at the meeting attended by Secretary Kissinger, the Director, and Representatives Hebert, Nedzi, Arends, Morgan and Frelinghuysen with respect to briefings of appropriate Foreign Affairs Committee representatives on covert action programs which might have an impact on foreign policy matters. [REDACTED]

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✓ I mentioned to Czarnecki the action taken on the Senate floor on the Foreign Aid bill today in accepting the Hughes amendment. He showed us four different variations of amendments which have been submitted for the Foreign Affairs Committee's consideration of the Aid bill and asked my opinion on the acceptability of these measures to the Agency. I told Czarnecki that I could not comment formally on these since I was quite certain the Administration would oppose the enactment of any such arrangement into law, pointing out that it could raise constitutional issues. I did say, however, that as a personal matter I thought the amendment agreed to in the Senate was much better from the Agency's standpoint than any of the four which had been submitted to his Committee.

Czarnecki showed me a letter Chairman Morgan has received from Representative Diggs, Chairman of the Subcommittee on Africa. In his letter Diggs states his desire to have a briefing from the Director on Africa including not only an intelligence briefing but also Agency operations there. I told Czarnecki I was sure the Director would have no objection to giving Mr. Diggs' Subcommittee an intelligence briefing but he would not go into intelligence operations with that group. Czarnecki said he expected that would be our position. He said he would be talking further with the Chairman about this.

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I told Czarnecki that we had been considering Representative Fascell's request that we "sanitize" the Director's briefing [REDACTED]

25X1 [REDACTED] I told Czarnecki this briefing was given with a definite understanding that it would be in executive session and it was our opinion that it would remain so. I said I thought that publication of any part of that transcript would create problems for us and also have diplomatic repercussions of concern to the State Department. Czarnecki said he thought we were on solid ground in stating our understanding of the ground rules under which the briefing was given and refusing to sanitize the transcript. He said he was sure we would get screams from Fascell however because Fascell is under considerable pressure (I assume from Representative Harrington).

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CONGRESSIONAL RECORD — SENATE

S 18661

Senate to act favorably on this amendment as well. Every State in this Nation has lost a great deal through the elimination of flour and oil commodities. At this time, Mr. President, I would ask unanimous consent that the estimated dollar value of commodities lost to the States as a result of the USDA action be printed in the Record at this point in my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

Estimated dollar value of flour and oil commodities no longer received for school lunch programs in States

Alabama	\$6,963,000
Alaska	293,000
Arizona	1,772,000
Arkansas	2,675,000
California	15,447,000
Colorado	1,377,000
Connecticut	1,950,000
Delaware	1,330,000
District of Columbia	920,000
Florida	5,624
Georgia	7,223,000
Hawaii	7,773,000
Idaho	1,116,000
Illinois	5,290,000
Indiana	5,666,000
Iowa	2,662,000
Kansas	3,338,000
Kentucky	3,332,000
Louisiana	5,762,000
Maine	3,883,000
Maryland	2,869,000
Massachusetts	10,074,000
Michigan	5,568,000
Minnesota	3,248,000
Mississippi	3,896,000
Missouri	8,253,000
Montana	888,000
Nebraska	988,000
Nevada	629,000
New Hampshire	1,472,000
New Jersey	3,600,000
New Mexico	1,327,000
New York	8,117,000
North Carolina	6,580,000
North Dakota	1,019,000
Ohio	7,764,000
Oklahoma	7,044,000
Oregon	2,630,000
Pennsylvania	6,850,000
Rhode Island	633,000
South Carolina	2,844,000
South Dakota	1,513,000
Tennessee	4,291,000
Texas	12,712,000
Utah	1,560,000
Vermont	383,000
Virginia	7,123,000
Washington	2,239,000
West Virginia	1,254,000
Wisconsin	3,368,000
Wyoming	395,000

Mr. BIDEN. This amendment should not be necessary, but it seems to me that it is. Unfortunately, we are going to be exporting more, and there are domestic food programs which will not be getting the very things we are exporting. It is a very simple amendment.

Mr. President, I urge the adoption of my amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BIDEN. I yield.

Mr. HUMPHREY. Mr. President, I think the Senator's amendment is timely and necessary and appropriate. I certainly want to offer it. I think we can get it in this bill right now. It is a necessary addition, and I compliment the Senator for his foresight.

Mr. MCGOVERN. Mr. President, this amendment is aimed at solving a problem which has arisen in the child nutrition programs across the Nation.

The school lunch programs in the United States are faced with the loss of essential commodities which have been used traditionally to support the nutritional level of the meals served to over 25 million American schoolchildren each day.

To be frank, Mr. President, this issue should not be before us today. I thought that we had solved the problem of commodity support for school lunch programs earlier in the year when we passed two bills through Congress which insured the continuation of commodity support for all the nutrition programs.

Since that time, however, the Department of Agriculture at the direction of Mr. Butz, has taken it upon themselves to eliminate approximately one-half of the traditional commodity support for the schools of the country.

While it is true that we had, earlier in the year, increased the level of high protein foods supplied to the school lunch program, there was never any intent on the part of the sponsors of that legislation to allow this adjustment to act as a signal to reduce the other traditional commodity support for the school lunch program. Indeed, Mr. President, we recognize now more than ever the need to support these local nutritional programs with as much support as we are able to give.

The kinds of commodities that we are talking about restoring to the school lunch program with this amendment, Mr. President, include soy, flour, oats, bulgur, wheat flour and oil.

These are literally the bread-and-butter items of the national school lunch program. They form the backbone of the national school lunch program, and their loss will deal a substantial blow to the schools of America. They have, until this year, been available to the school lunch program on an open allocation basis. USDA's cutoff makes them totally unavailable. Over \$1 million of support to the schoolchildren of South Dakota will be lost to South Dakota if this decision is allowed to stand and other States will lose many millions more.

This dramatic and serious loss of support, which flies in the face of both the letter and intent of those commodity bills we have passed in the last few months, will force the schools to either pay more on the local retail market for their commodities or cut the children off from bread, butter, macaroni, salad oil, mayonnaise, and other things made with these commodities. It is obvious that the USDA decision has placed schools in an untenable position.

Mr. President, the parents of middle-America have supported this program with their tax dollars for many years. Since 1946, the national school lunch program has grown to be one of the most effective and low-cost programs that we have in the country today.

If the decision of the Department of Agriculture to cut off the commodities mentioned above is allowed to stand, the families of middle-America will have to fight another inflationary pressure, at a

time when they are already desperate with anxiety over existing budgetary pressures. If Mr. Butz and the Department of Agriculture merely followed the law, and used their existing authority, they could supply these commodities at the lowest costs to schools, and therefore at the lowest cost to children. By not doing this, forcing the schools and the children to pay higher prices for the same goods they received last year, the Department is contributing to the inflationary pressure which the administration is talking so much about fighting.

One irony of the USDA decision to cut off the basic commodity support for the school lunch program is that we are continuing to send these same goods overseas as part of our foreign aid program.

Mr. President, we do not argue with the use of food as part of our foreign aid program, and on the contrary, as you know, I have long been a supporter of continuation and expansion of this program.

However, the children of America deserve at least equal treatment at the hands of our Government as the children of overseas countries.

The same commodities we are shipping overseas daily—wheat, flour, rolled oats, bulgur, and others—have been denied our own children.

This amendment, Mr. President, guarantees that our schoolchildren will receive the same support we give the children overseas.

It assures that those section 416 price support commodities that have traditionally been used up until this last year to form the basis of our local nutrition programs will continue. This is not the time to put additional nutritional or budgetary pressures on the schoolchildren of America.

In effect, Mr. President, this amendment reminds the Department of Agriculture to obey the law that already exists and instructs them to continue this support program for middle-America that has existed for almost 30 years and which at this point should be strengthened, not weakened.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, does the Senator from Iowa wish to offer an amendment?

Mr. HUGHES. I have been waiting to offer one.

Mr. ABOUREZK. I yield to the Senator.

The PRESIDING OFFICER. The Senator from South Dakota yields the floor to the Senator from Iowa.

Mr. HUGHES. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment is stated.

The assistant legislative clerk read as follows:

S 18062

CONGRESSIONAL RECORD — SENATE

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At the end of the bill, add the following new section:

LIMITING INTELLIGENCE ACTIVITIES

SEC. 33. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by sections 17 (a) and 18 of this Act, is further amended by adding at the end thereof the following new section:

"Sec. 661. Limitations Upon Intelligence Activities.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency or any other agency of the United States Government for the conduct of covert action operations, other than operations intended solely for obtaining necessary intelligence. Notwithstanding the foregoing limitation, the President may authorize and direct that any covert action operation be resumed, or that any other covert action operation be initiated, and funds may be expended therefor, if, but not before, he (1) finds that such operation is vital to the defense of the United States, and (2) transmits a report of his finding, together with a detailed description of the nature and the scope of such operation, to any committee of Congress having jurisdiction to monitor and review the intelligence activities of the United States Government.

"(b) Notwithstanding the provisions of subsection (a) of this section, the President may authorize and direct the conduct of such covert action operations as he deems of immediate need and urgency during military operations initiated by the United States under a declaration of war by Congress or an exercise of powers by the President under the War Powers Resolution (Public Law 93-148)."

Mr. HUGHES. Mr. President, by way of explanation, let me say that this unprinted amendment is identical to my amendment No. 1948 which was submitted yesterday, with one major exception. Amendment No. 1948 did not make explicit my intention that notification to congressional committees about covert action and operations be made prior to the initiation of the operation. My unprinted amendment does make prior notification explicit.

Mr. President, since this amendment was prepared, it has been reported that Secretary Kissinger and CIA Director Colby have already given private assurances along the same lines as this amendment.

According to reports in the October 2 Washington Post and Philadelphia Inquirer, these officials have said that the United States has ended covert political operations abroad, though some may be necessary in the future, and that designated congressional subcommittees would be notified in advance of any future such operation.

I welcome these assurances. What this amendment would do, then, would be to write this procedure into permanent law.

Mr. President, the amendment I offer should be regarded as only a beginning toward the imperative of imposing some order and structure to the means by which the American people, through their elected representatives, can exercise a measure of control over the cloak-and-dagger operations of intelligence agencies of the U.S. Government.

A great deal more must be done in this regard, and I want to commend the distinguished majority leader (Mr. MANSFIELD), the Senator from Michigan (Mr. HART), and the Senator from South

Dakota (Mr. ABOUREZK), and the Senators from Tennessee (Mr. BAKER) and Connecticut (Mr. WEICKER) for their efforts.

I shall not take the time of the Senate to recount the recent disclosures that have provoked outrage at the audacity and contempt for democratic processes represented by covert action operations undertaken by our Government to interfere with the internal affairs of other nations. All of us in this body have heard of these scandalous activities and deplore them.

I shall content myself with simply stating that such covert operations, deliberately designed to provoke political revolution, rarely, if ever, can be justified.

Mr. President, the basis for my amendment was laid by the Director of the Central Intelligence Agency, Mr. Colby, in his address on September 13 to the conference on the CIA and covert operations. In that statement, he said:

It is advocated by some that the United States abandon covert action. This is a legitimate question, and in light of current American policy, as I have indicated, it would not have a major impact on our current activities or the current security of the United States. I believe, however, that a sovereign nation must look ahead to changing circumstances. I can envisage situations in which the United States might well need to conduct covert action in the face of some new threat that developed in the world.

Mr. President, I would admit that circumstances might develop in which covert action would be justified in time of war.

I find it impossible, however, to envisage any circumstances in time of peace that would justify them.

Parenthetically, I might note that this inability to conceive of a situation justifying covert operations may well be one result of the fact that most of my colleagues and I have had no opportunity to evaluate any of the surreptitious operations of our intelligence agencies. We are not conditioned to thinking in terms of the positive potential, if any, of these activities.

Proposals are under study in the Congress at this moment for improving congressional oversight of intelligence activities. These proposals deserve immediate and intensive study and implementation of the best of them at the earliest possible time.

Until then, however, I feel very strongly that the Congress must take initial steps to structure and bring some order to our oversight responsibility.

I believe the amendment I offer today is a modest step in the right direction.

The amendment would translate into statute the words of the Director of the Central Intelligence Agency. To abandon all covert action at this time, he said,

... would not have a major impact on our current activities.

The amendment, therefore, would terminate as of the effective date of this act all covert action operations, other than those intended solely for the purpose of gathering intelligence that is necessary to the national defense.

However, since Mr. Colby further asserts that he can:

... Envisage situations in which the United States might well need to conduct covert action in the face of some new threat that developed in the world. * * *

The amendment provides for a procedure under which existing covert actions may be resumed or others may be undertaken to meet a genuine requirement for national defense.

Under the language of the amendment, the President, before authorizing any covert action, would be required to make a finding that each such operation is vital to the defense of the United States.

Moreover, before authorizing such a secret project, he would be required to transmit a report of his finding, together with a report of the nature and the scope of each such operation, to the committees of the Congress having jurisdiction to review and monitor the intelligence activities of our Government.

Recognizing that, in time of war or national emergency, the President may be required to move instantly to deal with an imminent threat, the amendment further provides that he may do so without delay, notwithstanding the requirement for notification of Members of Congress.

Of course, the Congress will expect to be apprised by the President at the earliest practicable time of any such covert actions undertaken in time of war or armed hostilities.

Mr. President, some of my colleagues may question whether this amendment deals sufficiently with the problem of who, in the Congress, should have jurisdiction to receive the notices from the President.

As I have already indicated, this is a matter that is under current study, and it is my hope that the solution to be developed by the Congress will encompass a broad segment of the membership of both this and the other body.

For the moment, I believe we shall have to settle for something akin to the established order, if we are to succeed in taking this first step toward controlling the covert activities of our intelligence establishment.

Mr. President, it is fully acknowledged that the American people and the Congress are largely in the dark about the covert operations of the CIA and cannot judge with certainty whether or not some of these operations and the overall pattern of them can be justified in the public interest.

The central problem is that these operations have been conducted in a complete blackout of secrecy—not only from the American public, but from the responsible oversight of the congressional committees authorized by law to monitor them. And operations that have recently come to light give us such deep cause for concern that some immediate action is imperative.

In the light of this, it should be noted that this amendment is written in the spirit of restraint, not prohibition.

It provides a temporary arrangement, not a permanent one, recognizing that a permanent arrangement is in the process of being developed.

In the face of our own people and other peoples of the world, it is a positive demonstration of faith at this

troubled time in our moral purpose as a people, the benign intent of our policy, and of our continuing commitment to human rights for all peoples.

Mr. HUMPHREY. Mr. President, I should like to ask the Senator some questions.

This amendment, of course, does permit the President to direct covert operations. It says, however, that if he finds that such operations are vital to the defense of the United States, which would be the only reason we would want to have covert operations, I trust.

Mr. HUGHES. I hope that is the only reason.

Mr. HUMPHREY. Then the amendment reads:

Transmits a report of his findings, together with a detailed description of the nature and the scope of such operation.

I wonder whether that language goes beyond what might be necessary. I think there ought to be transmission of a report of his finding, but sometimes in a covert operation, even with all Senators and Representatives having the best of intentions, the lid might be blown off it by some inadvertent slip.

It may be that the President would want to give the detailed report, but I think that to have the requirement would be hazardous.

Mr. HUGHES. Is the Senator objecting to the word "detailed" or to the entire clause 2?

Mr. HUMPHREY. Not the entire clause 2. I think he should transmit a report of his finding. I just would leave it up to the President as to the quality or the detail or the minutia of that report, rather than having it there.

Mr. HUGHES. Would it not suffice just to strike the word "detailed"? Would it be sufficient just to have "description of the nature and the scope"?

Mr. HUMPHREY. I think the President should have the option, in light of the fact that something might go amiss and cause very grave trouble.

Mr. HUGHES. I really want to cooperate with the manager of the bill on this matter. I am not trying to be over-restrictive or less than necessarily restrictive. I certainly do not want the necessary intelligence of this Nation blown open by someone who is talking too much at the wrong place.

Mr. HUMPHREY. That is right.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Mr. President, I am ready to err on the side of too much publicity in this field. For too long we have not had enough knowledge on the part of the Senate or the House or the proper committees of what the CIA was doing. It is for that reason that I support, without reservation, the language of the amendment of the Senator from Iowa.

This matter has to be cleared up. Every day in the press we read of further troubles about the Central Intelligence Agency. It has no public relations department, as does the FBI or the Department of Defense. It is the sewer in which to drop something when you want to get rid of it. It is about time it was reprimanded when it is wrong, and defended

when it is right. It is not the business of the House or the Senate to mandate or defend it if we do not have any interest in overseeing its activities.

Mr. HUMPHREY. I do not disagree with what the Senator has said. I am simply trying to find out how we can have, for example, a report by the President, in substance, that will give the appropriate committee of Congress, having appropriate jurisdiction, the information it needs, without going into the details. Sometimes details may be misinterpreted partially; some of the details may get out in part and cause great trouble.

It seems to me that we can say "transmits a report of his finding, with appropriate description" or "including appropriate description." Then the President would be at liberty to determine what was an appropriate description.

Mr. HUGHES. I have no objection.

Subsection 2 would read: "transmits a report of his finding, including appropriate description of the nature and scope of such operation."

Mr. HUMPHREY. As he deems appropriate.

Then the amendment reads: "to any joint committee of Congress."

Mr. HUGHES. I strike that. It now reads: "to any committee of Congress having jurisdiction to monitor and review the intelligence activities of the U.S. Government."

Mr. HUMPHREY. Would it not be satisfactory to say "to the committee of Congress having jurisdiction"?

Mr. HUGHES. There may be one in the House and one in the Senate.

Mr. HUMPHREY. I see what the Senator means.

Mr. STENNIS. The committees of both the House and the Senate.

If the Senator will yield, he has in the clause, whether intentionally or not, raised the whole question of jurisdiction, when the law is absolutely clear that the Committee on Armed Services is the one that has jurisdiction.

Mr. HUGHES. It is not intentional to raise the jurisdictional question.

Mr. STENNIS. I did not believe the Senator meant to raise that question and settle it in this amendment.

Mr. HUGHES. No, I did not.

Mr. STENNIS. The Senator could just say "report to the two Committees on Armed Services."

Mr. HUMPHREY. The only point is that there may be a change in that jurisdiction, which I am not advocating, but it may happen. That is why I think the Senator should say "to the committees of the House and the Senate having jurisdiction."

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUGHES. Yes, I yield.

Mr. STENNIS. I should like to make the point here that that brings up the question of who does have jurisdiction, if we write a new law on the subject. It is already clear and plain now. If the Congress wants expressly to change it, that will be all right.

Mr. HUMPHREY. I see. Does the Senator mean for the future?

Mr. STENNIS. Yes, for the future.

Mr. HUGHES. Mr. President, may I suggest the absence of a quorum so that we may work this out.

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Mr. CASE. Will the Senator withhold?

Mr. HUGHES. I withhold.

Mr. CASE. Mr. President, I ask unanimous consent that my assistant, Stephen Bryen, have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jon Steinberg, Ellen Frost, and Murray Flander may have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I send to the desk a modification.

The PRESIDING OFFICER. The clerk will state it.

The assistant legislative clerk proceeded to read the modification.

Mr. HUGHES. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, the managers of the bill and the interested parties in the debate on the floor have come to an agreement on the amendment. I have placed in the Record my statement on the amendment. If the manager of the bill would like to indicate his feeling about the amendment as modified, I think we can rapidly dispose of it.

Mr. HUMPHREY. Yes, Mr. President. So that we may be very clear, I am going to read the portions which were modified. It starts under section 661, where there is a numeral (1):

(1) finds that such operation is vital to the defense of the United States, and (2) transmits an appropriate report of his finding, together with an appropriate description of the nature and scope of such operation, to the committees of the Congress presently having jurisdiction to monitor and review the intelligence activities of the United States Government.

Is that the understanding?

Mr. HUGHES. That is the understanding.

Is there any difference in the copy at the desk?

The ASSISTANT LEGISLATIVE CLERK. There is a slight difference.

Mr. HUMPHREY. This is what we agreed to.

The PRESIDING OFFICER. Does the Senator from Iowa desire to have the amendment modified as it was read by the Senator from Minnesota?

Mr. HUGHES. I ask unanimous con-

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sent further to modify the amendment by the language just sent to the desk by the manager of the bill, if there is any disagreement.

The PRESIDING OFFICER. The amendment is so modified. The amendment, as modified, is as follows:

At the end of the bill, add the following new section:

LIMITING INTELLIGENCE ACTIVITIES

SEC. 33. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by sections 17(a) and 18 of this Act, is further amended by adding at the end thereof the following new section:

"Sec. 661. Limitations Upon Intelligence Activities.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency or any other agency of the United States Government for the conduct of covert action operations, other than operations intended solely for obtaining necessary intelligence. Notwithstanding the foregoing limitation, the President may authorize and direct that any covert action operation be resumed, or that any other covert action operation be initiated, and funds may be expended therefor, if, but not before, he (1) finds that such operation is vital to the defense of the United States, and (2) transmits an appropriate report of his finding, together with an appropriate description of the nature and scope of such operation, to the committees of the Congress presently having jurisdiction to monitor and review the intelligence activities of the United States Government.

"(b) Notwithstanding the provisions of subsection (a) of this section, the President may authorize and direct the conduct of such covert action operations as he deems of immediate need and urgency during military operations initiated by the United States under a declaration of war by Congress or an exercise of powers by the President under the War Powers Resolution (Public Law 92-148)."

Mr. HUMPHREY. On that basis, I think the Senator from Iowa has made a distinct contribution to this difficult subject. I wish to commend him, and I personally, speaking as one Senator and manager of the bill, am pleased to accept the amendment.

I have said to the Senator, and I want to say to him publicly here, that it would be the intention of the Senator from Minnesota, if he were on the conference committee, to insist upon this amendment.

However, I want the Senator to know that if there is a word, for example, that would be considered in any way to result in jeopardizing what we might call the security interests of the country, while I do not see it, I hope he would realize that one might want to see that modified. That would be done, may I say, only after consultation with the author of the amendment.

Mr. HUGHES. Mr. President, the Senator from Iowa has absolute faith in the Senator from Minnesota on matters dealing with the subject matter under discussion. Naturally, he represents me as well as the other Members of the Senate on any conference committee, and he has my trust.

I believe we have been reasonable in this matter in insisting that the appropriate committees of the Senate and the House have jurisdiction over this subject matter, while at the same time affording leeway to any administration in conduct-

ing necessary intelligence gathering and, in times of war, such covert activities as may be necessary for the national defense of this country.

Mr. HUMPHREY. I thank the Senator. Mr. President, I am ready to accept the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. Mr. President, I think the intentions and the planning of the Senator from Iowa have been in good faith, and he has been very reasonable about making some modifications as he sees them.

I point out, though, that this amendment, as I understand, has not been printed. It is a highly important amendment. I have a printed copy here, but I have understood later that the amendment offered is not the same.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. STENNIS. Yes.

Mr. HUGHES. As the Speaker knows, the amendment was printed yesterday. In an attempt to make the amendment more acceptable to the manager of the bill, the Senator from Iowa sent to the desk today a slight modification.

Mr. STENNIS. That clears it up. I did not intend to be critical of the Senator from Iowa.

Anyway, I just wanted to point out the rather casual way that we are adopting this amendment. For my part, I would want the matter further analyzed by experts in language in this particular field, and I cannot support it. I wish to reserve my rights in that respect.

I do not mean to pursue the matter now to the nth degree, or call for a roll-call vote, or anything like that. But I do not agree to it and I do not accept it; I want to make that clear.

Mr. McCLELLAN. Let us have a roll-call.

Mr. STENNIS. I want to ask the Senator from Iowa, as the amendment is written now, the Senator recognizes the present jurisdiction of the two Armed Services Committees, as I understand and any change in that could be made by subsequent legislation, but not by this amendment; is that correct?

Mr. HUGHES. I recognize the jurisdiction of the present Armed Services Committees and the present subcommittees handling the oversight of matters of intelligence and the CIA, yes. There is no attempt, in this amendment, to change or alter any jurisdictional matters in either House.

Mr. STENNIS. That is a fair response. One other matter: the language now says "appropriate report." As long as it was just as the rest of the amendment provides, the President, he would have a matter of discretion whether he would have a written report or whether it would be an oral report to one of his men.

Mr. HUGHES. I would think that as long as the matter was before the committee, the "appropriate report" would be for the determination of the reporting officer by agreement of the committee, and I would think in matters of intelligence or any other necessary covert activity, that might be the best way under certain circumstances.

Mr. STENNIS. The amendment does not require a written report?

Mr. HUGHES. No, it does not.

Mr. STENNIS. I thank the Senator.

Mr. HUGHES. Mr. President, I would like to say, before the question is put, that I hope some day to see the distinguished chairman of the Armed Services Committee support legislation that will require an absolute oversight by Congress of CIA and other intelligence operations. I realize that absolute cooperation in defense of the country requires, between the President and the intelligence agencies, that they have a certain latitude; but I am just as convinced, as an individual Senator and citizen, that in the interests of the citizens of the country it is our responsibility, in the structures of the committees, to represent them, to make certain that we are conducting the activities of these committees in the public interest of this country, regardless of the operations at any designated point on Earth.

I would encourage the chairman of the Armed Services Committee to be as concerned about that as about the relationships in the administrative branches of the Government.

I thank the distinguished chairman for the exchange on clarification, and for his cooperation, even though he cannot support the amendment as such; and I thank the distinguished manager of the bill for his acceptance and support of the amendment, and the distinguished senior Senator from Missouri, who has long expressed his concerns about these matters and in whose opinion, I suspect, I have already modified the amendment too far. At the same time, I believe it is a matter of cooperation between us to arrive at some designated point of oversight that will be employed, hopefully, in the basic interests of the people of this country.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I do not care to make any more statements, but the Senator directed rather sharp words, in a way, at the activities of the Senator from Mississippi.

Let the matter rest on this: It is not an easy job that I have had on this matter. I will not relate the incidents that have come up. It was my duty, and that was it. After all, we are working for the same country.

Mr. HUGHES. Mr. President, if the Senator will yield, if there was any indication in the words or tone of the Senator from Iowa that he cast, in any way, any adverse reflection on the distinguished chairman, it was not his intention to do so. I would not want to do that.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. As long as the distinguished Senator mentioned my name, I would like to present to the Senate why I am heartily in favor of this amendment, at the risk of being somewhat redundant.

At the time of the Kennedy administration, the ambassador to the Soviet Union who complained that the CIA head in their country was operating without their knowledge and consent, and, as a re-

sult, the so-called Kennedy letter was sent to all embassies. That letter stated that the head of the CIA would report to the ambassador in question.

The way the organization is set up back here in Washington, however, despite the fact that the head of the CIA in the country in question reports to the ambassador, the Committee on Foreign Relations often does not have any knowledge of CIA activities in a foreign country or much less the right of review of said activities. Inasmuch as at least 95 percent of the work of the CIA is done in countries with which we are not at war, for many years I have felt that the Foreign Relations Committee should have some right of review of the activities of the Central Intelligence Agency in those countries.

It appeared to me that the amendment of the Senator from Iowa, who serves on the Armed Services Committee, as do I—and we have discussed this matter before—was getting at the meat of this problem, or at least some of the meat of the problem, with this amendment.

So, without any criticism of any member of the Armed Services Committee, especially its chairman, I think it is time that we recognize that if the CIA representatives in all these countries all over the world are to report to the ambassadors, when the matter comes back here, the ambassador's responsibility being to the State Department, the Senate Foreign Relations Committee should have some say with respect to what is being done by the Central Intelligence Agency.

I might say I commend the able Senator from Tennessee for much of the work that he has done in recent months in this particular field. Although at times it was difficult to understand what was going on, it became clear that much of the work of the CIA was not known to the Members of Congress.

I believe that this amendment helps clarify many of these matters, and that is the reason I support it.

Mr. HUGHES. I thank my distinguished colleague from Missouri. I am prepared to yield back the remainder of my time.

Mr. BAKER. Mr. President, will the distinguished Senator yield?

Mr. HUGHES. Yes.

Mr. BAKER. May I express my gratitude to the distinguished Senator from Missouri who has always been conscientious in his efforts at arriving at an understanding of the activities of this agency of Government.

He has been, in my judgment, both loyal to his mandate as a member of the jurisdictional committee having oversight of the CIA, and loyal to himself in his determination to know what was going on.

I commend him for his perseverance and for his efforts in that respect.

I also commend the distinguished Senator from Iowa for his initiative in this respect.

While I previously expressed reservations about supporting other amendments, particularly the Abourezk amendment on the floor without other information, I believe that this amendment

we should support because it states the possibilities that arise in reports to us and to Congress on the activities of his country.

So I intend to vote for this amendment.

Mr. HUGHES. Mr. President, I appreciate the remarks of the Senator from Tennessee.

Mr. SYMINGTON. I appreciate the remarks of the Senator from Tennessee, for what he said.

Mr. HUMPHREY. Mr. President, I want to say that I support the amendment and commend the Senator from Iowa and all those participating in this discussion. I think it is helpful. It is a forward step, and I suggest we proceed with it. I am prepared to yield back my time.

Mr. HUGHES. Mr. President, I move the adoption of the amendment as modified, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired and been yielded back. The question is on agreeing to the amendment, as modified, of the Senator from Iowa (putting the question).

The amendment, as modified, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1928

Mr. JOHNSTON. Mr. President, I have an amendment at the desk, No. 1928, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert the following new section at the end of the bill:

INVOLVEMENT OF PUERTO RICO IN THE CARIBBEAN DEVELOPMENT BANK

Sec. —. (a) The President is authorized to transmit to the Caribbean Development Bank an instrument stating that the Commonwealth of Puerto Rico has the authority to conclude an agreement of accession with such bank and to assume rights and obligations pursuant to such agreement. However, such agreement shall be subject to the prior approval of the United States Department of State.

(b) The instrument transmitted by the President to the Caribbean Development Bank under subsection (a) shall state that the United States shall not assume any financial or other responsibility for the performance of any obligation incurred by the Commonwealth of Puerto Rico pursuant to such agreement of accession or pursuant to any other aspect of its membership or participation in such bank.

(c) Such agreement of accession shall provide that the Commonwealth of Puerto Rico may not receive from the Caribbean Development Bank any funds provided to the bank by the United States.

Mr. JOHNSTON. Mr. President, this

amendment, very simply, grants to Puerto Rico the ability to join the Caribbean Development Bank, a regional bank. It is unique in a number of respects. It is an economic bank. It is regional. Puerto Rico is particularly suited to give it expertise and help and, because of its uniqueness, this serves as no precedent for the larger question of whether or not Puerto Rico ought to be allowed to take part in foreign affairs. That larger question is being considered by the Ad Hoc Advisory Group on Puerto Rico and, therefore, this serves as no precedent for that. But this is supported by the State Department which believes that this is a proper role for Puerto Rico to play.

Mr. HUMPHREY. I want to say to the Senator I think the amendment is timely. It will be very helpful, and I am pleased he has brought it to our attention. It should be included in this legislation.

I, speaking for the committee as best I can here—I see the distinguished Senator from Vermont here—

Mr. AIKEN. Mr. President, I have an amendment and I hope it will be accepted.

Mr. HUMPHREY. Mr. President, I yield back the time on this amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Louisiana. (Putting the question.)

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. I send an amendment to the desk and I would like it read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 55 after line 17 insert the following:

Sec. 33. No country may receive any funds authorized to be appropriated by this Act if such country pays in whole or in part any expenses which are directly or indirectly related to travel abroad by Members of Congress, their families or congressional employees.

Mr. AIKEN. Mr. President, if I may speak briefly on this amendment, it is becoming altogether too common practice for countries which are dependent on U.S. aid and to which we have contributed most heavily, to send invitations to Members of Congress inviting them to come to their country for rather extended visits with the country that invites them agreeing to pay all expenses from the time they leave Washington until they get there and then, perhaps, a week or two of entertainment and travel around that country, and then have their expenses paid back to Washington.

I think it is time we stopped that. I would not offer this amendment if I had not received such invitations myself. I am not trying to make it retroactive in any way, but when you accept one of those invitations you are supposed to come back here and support legislation which is favorable to that country.

I know they have sometimes told visitors, "We will take care of your hotel bill." But now they are more generous. They offer to pay expenses from Wash-